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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,806

12/04/2003

L. Murray Dallas

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6844

27530

7590

08/19/2005

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EXAMINER

SMITH, MATTHEW J

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/727,806

Applicant(s)

DALLAS, L. MURRAY

Examiner

Matthew J. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-17 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,9,10,12,18, and 19 is/are rejected.
- 7) ☒ Claim(s) 3,4,6-8,11 and 20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4Dec03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Paragraph [0037] contains a serial number that is now patent number 6,626,245.

Please update this paragraph to include this patent number.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9, 10, 12, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Townsend (1586923).

Townsend discloses an apparatus for controlling vertical movement of a tubular 18 within a wellbore, the apparatus comprising: an anchor spool including a bottom flange, at 30a, for fluid-tight connection atop a wellhead; a top end that supports a high-pressure packing (page 1, lines 85-87) in a cavity that seals an annulus between the top end and the tubular while permitting vertical and rotational movement of the tubular; an anchor plate 11 having connectors for detachably securing bottom ends of two piston cylinders 14 symmetrically disposed about the anchor spool, rigidly connected to the anchor spool from below, connected to a bottom of the tool support structure from above, and radially spaced from the tubular so that unobstructed access to the tubular top end is provided at an adapter stack top end (where 17, 18 meet); a control plate 17; universal adapter stack bottom end (where 17, 18 meet) for connecting to the tubular 18; a swivel joint (page 1, line 81) with an union adapter so that activation of the piston cylinders causes vertical movement of the tubular (figures 12, 13) within the high-pressure well.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend in view of Thrupp.

Townsend discloses an apparatus for controlling vertical movement of a tubular 18 within a wellbore, the apparatus comprising: an anchor spool including a bottom flange, at 30a, for fluid-tight connection atop a wellhead; a top end that supports a high-pressure packing (page 1, lines 85-87) in a cavity that seals an annulus between the top end and the tubular while permitting vertical and rotational movement of the tubular; an anchor plate 11 having connectors for detachably securing bottom ends of two piston cylinders 14 symmetrically disposed about the anchor spool rigidly connected to the anchor spool from below, connected to a bottom of the tool support structure from above, and radially spaced from the tubular so that unobstructed access to a top end of the tubular is provided at an adapter stack top end (where 17, 18 meet); a control plate 17; an universal adapter stack bottom end (where 17, 18 meet) for connecting to the tubular 18; a swivel joint (page 1, line 81) with an union adapter so that activation of the piston cylinders causes vertical movement of the tubular (figures 12, 13) within the high-pressure well but not gussets extending between the elongated side wall and the anchor plate to reinforce the anchor plate.

Thrupp presents a gusset (fig. 12), at flange 31, extending between the elongated sidewall and the anchor plate to reinforce the anchor plate.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add a gusset to the Townsend plate, as presented by Thrupp, in order to make the plate stronger.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Townsend in view of McLeod (5025857).

Townsend discloses an apparatus for controlling vertical movement of a tubular 18 within a wellbore, the apparatus comprising: an anchor spool including a bottom flange, at 30a, for fluid-tight connection atop a wellhead; a top end that supports a high-pressure packing (page 1, lines 85-87) in a cavity that seals an annulus between the top end and the tubular while permitting vertical and rotational movement of the tubular; an anchor plate 11 having connectors for detachably securing bottom ends of two piston cylinders 14 symmetrically disposed about the anchor spool rigidly connected to the anchor spool from below, connected to a bottom of the tool support structure from above, and radially spaced from the tubular so that unobstructed access to a top end of the tubular is provided at an adapter stack top end (where 17, 18 meet); a control plate 17; an universal adapter stack bottom end (where 17, 18 meet) for connecting to the tubular 18, a swivel joint (page 1, line 81) with an union adapter, so that activation of the piston cylinders causes vertical movement of the tubular (figures 12, 13) within the high-pressure well but not permitting a well stimulation tool to be supported between the control plate and an anchor spool that secures the piston cylinders to the high-pressure wellhead.

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McLeod shows permitting a well stimulation tool 34 to be supported between the control plate 3 and an anchor spool 10 that secures the piston cylinders 1 to the high-pressure wellhead 43.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use a well stimulation tool, as shown by McLeod, instead of drill pipe since it is well known to use the same structure for completion tools and drilling tools.

Allowable Subject Matter

Claims 13-17 are allowed.

Claims 3, 4, 6-8, 11, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Smith whose telephone number is 571-272-7034. The examiner can normally be reached on T-F, 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 or 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

MJS *MJS*

4 August 2005